

21 C.J.S. Courts § 298

Corpus Juris Secundum | May 2023 Update

Courts

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VIII. Concurrent and Conflicting Jurisdiction

B. State and United States Courts

4. Enjoining Proceedings in Other Court

b. Exceptions to Anti-Injunction Act

§ 298. Statutory authorization for federal injunction of state proceedings

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, Courts 508(1), 508(2.1), 508(8)

The Anti-Injunction Act does not prohibit an injunction by a federal court of state court proceedings if the injunction is expressly authorized by federal statute.

The Anti-Injunction Act does not prohibit an injunction by a federal court of state court proceedings if the injunction is expressly authorized by federal statute.¹ Under the so-called "expressly-authorized" exception,² the Act provides that a federal court may grant an injunction to stay proceedings in a state court if expressly authorized by Act of Congress.³

In order to expressly authorize an injunction for purposes of the exception, a federal statute need not expressly refer to the Anti-Injunction Act, expressly authorize an injunction of a state court proceeding, or on its face and in every one of its provisions be totally incompatible with the Anti-

Injunction Act.⁴ Rather, the "expressly authorized" exception in the Act permits injunctions against state-court proceedings where a federal statute creates a federal right or remedy that can only be given its intended scope by such an injunction.⁵

For example, pursuant to the expressly authorized exception, a federal court may enjoin the continued prosecution of the same case in state court after its removal to federal court in light of the federal removal statute⁶ directing that after removal has taken place, the state court may proceed no further unless and until the case is remanded.⁷ In addition, the federal civil rights statute prohibiting the deprivation, under color of state law, of federal rights and authorizing suits in equity to redress such deprivations⁸ has been held to fall within the expressly authorized exception,⁹ at least where the civil rights claim is based on federal statutory rights, as distinct from federal constitutional rights.¹⁰ Various other statutes have also been held to fall¹¹ or not to fall¹² within the exception.

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Footnotes

1 U.S.—[Chick Kam Choo v. Exxon Corp.](#), 486 U.S. 140, 108 S. Ct. 1684, 100 L. Ed. 2d 127 (1988).

2 U.S.—[In re BankAmerica Corp. Securities Litigation](#), 263 F.3d 795, 51 Fed. R. Serv. 3d 1 (8th Cir. 2001), as amended, (Oct. 3, 2001).

3 28 U.S.C.A. § 2283.

4 U.S.—[Mitchum v. Foster](#), 407 U.S. 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 (1972).

5 U.S.—[Mitchum v. Foster](#), 407 U.S. 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 (1972); [In re BankAmerica Corp. Securities Litigation](#), 263 F.3d 795, 51 Fed. R. Serv. 3d 1 (8th Cir. 2001), as amended, (Oct. 3, 2001).

6 28 U.S.C.A. § 1446(d).

7 U.S.—[Fulford v. Transport Services Co.](#), 412 F.3d 609 (5th Cir. 2005).

A.L.R. Library

Status, in federal court, of judgment or order rendered by state court before removal of case, 2 A.L.R. Fed. 760.

8 42 U.S.C.A. § 1983.

9 U.S.—[Trainor v. Hernandez](#), 431 U.S. 434, 97 S. Ct. 1911, 52 L. Ed. 2d 486 (1977); [Mitchum v. Foster](#), 407 U.S. 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 (1972); [Lawson v. Hill](#), 368 F.3d 955 (7th Cir. 2004).

10 U.S.—[Hickey v. Duffy](#), 827 F.2d 234, 8 Fed. R. Serv. 3d 974 (7th Cir. 1987).

Federal habeas statute

U.S.—[McFarland v. Scott](#), 512 U.S. 849, 114 S. Ct. 2568, 129 L. Ed. 2d 666 (1994).

Rivers and Harbors Act

U.S.—[Martingale LLC v. City of Louisville](#), 361 F.3d 297, 2004 FED App. 0080P (6th Cir. 2004).

Clayton Antitrust Act

U.S.—[Vendo Co. v. Lektro-Vend Corp.](#), 433 U.S. 623, 97 S. Ct. 2881, 53 L. Ed. 2d 1009 (1977).

ERISA

U.S.—[Trustees of Carpenters' Health and Welfare Trust Fund of St. Louis v. Darr](#), 694 F.3d 803 (7th Cir. 2012).

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